

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AHRON BRAUN;

Plaintiff,

Case No. 1:12-cv-04687-LAP

-v-

UNITED RECOVERY SYSTEMS, LP;

Defendant,

TRIAL BY JURY DEMANDED

-----X
AMENDED VERIFIED COMPLAINT FOR VIOLATION OF THE FCRA

JURISDICTION

1. This court has jurisdiction under 15 U.S.C. § 1681p, and 28 U.S.C. § 1331, 28 U.S.C. § 1337, 28 U.S.C. § 2201, 15 U.S.C. § 1691(A) *et seq.*
2. All conditions precedent to the bringing of this action have been performed.

PARTIES

3. The Plaintiff in this lawsuit is Ahron Braun, (hereinafter "Plaintiff") who is a natural person and at all times relevant herein was a resident of Orange County, New York, and is a "consumer" within the meaning of the FCRA 15 U.S.C. § 1681a(c).
4. The Defendant in this lawsuit is UNITED RECOVERY SYSTEMS, LP. (hereinafter "Defendant") an unknown entity with offices at 5800 N. Course Dr., Houston, TX 77072, and is a furnisher of consumer information to consumer reporting agencies 15 U.S.C. § 1681s-2.

VENUE

5. The occurrences which give rise to this action occurred in Orange County, New York and Plaintiff resides in Orange County, New York.
6. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391(b)(2).

RECEIVED
CLERK PRO SE OFFICE
2012 AUG 30 P 12:27

FACTUAL ALLEGATIONS

7. Plaintiff received his Experian consumer credit report and found entries by an entity that he was unfamiliar within his credit report.
8. Plaintiff discovered after examination of his Experian credit report that the Defendant had obtained Plaintiff's Experian credit report on March 14, 2011. (See Exhibit A)
9. On or about May 1, 2012, Plaintiff mailed a letter to the Defendant and requested a demand to show proof as to what permissible purpose they may have had in obtaining the Plaintiff's credit report, and if they fail to do so, the inquiries on Plaintiff's credit report should be removed, and also informed them that Plaintiff never incurred any financial obligation with them.

(See Exhibit B)
10. Upon Plaintiff's request for deletion, Defendant failed to respond with any reason as to why, and where, they may have had permissible purpose to obtain the Plaintiff's consumer credit report.
11. On or about May 9, 2012, Plaintiff mailed a dispute letter to Experian and informed them that Plaintiff never gave permission for the Defendant to obtain his credit reports and requested that Experian should verify and remove the erroneous inquiries from his credit file. (See Exhibit C)
12. Experian failed to respond as to what permissible purpose the Defendant may have had to obtain Plaintiff's credit report.
13. On or about May 22, 2012 Plaintiff mailed a **Notice of Pending Lawsuit** to Defendant this was an effort to mitigate damages and reach a settlement for their FCRA violations in obtaining Plaintiff's credit report. In addition, to cease violating Federal and State law at Plaintiff's expense, before taking civil action against them. (See Exhibit D)
14. Defendant still failed to respond to Plaintiff's Notice.
15. Discovery of violation is within the statute of limitations defined in FCRA 15 U.S.C. § 1681p.

COUNT I
VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA)
15 U.S.C. § 1681 FOR WILLFUL NON-COMPLIANCE BY DEFENDANT
UNITED RECOVERY SYSTEMS, LP.

16. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
17. The Plaintiff is a consumer within the meaning of the FCRA 15 U.S.C. § 1681a(c).
18. Experian is a credit reporting agency within the meaning of the FCRA 15 U.S.C. § 1681a(f).
19. Consumer credit report is a consumer report within the meaning of FCRA 15 U.S.C. § 1681a(d).
20. The FCRA 15 U.S.C. § 1681b defines the permissible purposes for which a person may obtain a consumer credit report.
21. Such permissible purposes as defined by (FCRA) 15 U.S.C. § 1681b has limited circumstances granting permissible purpose under section 1681(b) generally if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
22. Plaintiff has never had any signed contracts, business dealings, or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide firm offer of credit from the Defendant, did not owe any debt, was not named as an “authorized user” on any account, did not applied for any license or other benefit, that could claim to have permissible purpose to obtain his credit report as defined by the FCRA.
23. On March 14, 2011 Defendant obtained the Plaintiff’s Experian consumer credit report with no permissible purpose in violation of FCRA 15 U.S.C. § 1681b as there was no account and/or debt which gave it a permissible purpose to legitimately obtain his private credit report.
24. Plaintiff did not at any time give his consent to Defendant, to obtain his consumer credit report

from any credit reporting agency.

25. On its own authority, and without provocation, solicitation or the permission of the Plaintiff to do so, Defendant obtained Plaintiff's consumer credit report.
26. The Defendant willfully, intentionally, recklessly, and/or negligently violated the provisions of the FCRA by using false pretenses or knowingly in obtaining the Plaintiff's consumer credit report without a permissible purpose in violation of FCRA, 15 U.S.C. § 1681b(f).
27. As a result of the Defendant's conduct, action and inaction Plaintiff suffered damage by loss of credit, loss of the ability to purchase and benefit from credit, and lowering of credit lines, and having to pay higher auto insurance premiums.
28. With no permissible purpose or Plaintiff's consent Defendant's conduct constituted a willful and reckless action rendering them liable for actual, statutory, and even punitive damages an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n(a).
29. In the alternative, Defendant's conduct was negligent entitling Plaintiff to recover under 15 U.S.C. § 1681o.
30. The action of Defendant obtaining the consumer credit report of the Plaintiff with no permissible purpose or Plaintiff's consent, was a willful violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.
31. In an attempt to mitigate damages and to reach a settlement with the Defendant for its FCRA violations in obtaining Plaintiff's credit report, Plaintiff on May 22, 2012 mailed a Notice of Intent to Sue before filing this action. Defendant never engaged the Plaintiff in settlement discussions; therefore Plaintiff had no choice but to seek damages in this honorable court.
32. At no time has Defendant ever indicated what justification they may have had for obtaining Plaintiff's credit report. The Defendant had a duty under 15 U.S.C. § 1681s2(b) to properly ascertain

if there was any legitimate permissible purpose before obtaining Plaintiff's credit report and Defendant breached said duty by failing to do so.

33. Intentionally failing to provide Plaintiff with a statement that the consumer reporting agency from which it obtained a consumer report did not make the adverse action and is unable to provide the consumer with the specific reason why the adverse action was taken.
34. There was no account that the Defendant had any right to collect to have had permissible purpose to obtain Plaintiff's credit report and therefore Plaintiff is entitled to damages.

WHEREFORE, Plaintiff demands judgment for statutory damages against Defendant in the amount of \$1000.00, attorney's fees, and court costs, pursuant to 15 U.S.C. § 1681n and 15 U.S.C. § 1681o.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be awarded in his favor and against the Defendant as follows:

1. Statutory damages pursuant to 15 U.S.C. § 1681, *et seq.*
2. Other fees and costs pursuant to 15 U.S.C. § 1681, *et seq.* against Defendant;
3. Such other and further relief as may be just and proper.

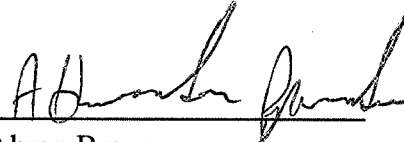
Plaintiff reserves the right to amend complaint if the Defendant continues to violate sections of the Fair Credit Reporting Act after the date of the filing of this complaint.

DEMAND FOR TRIAL BY JURY ON ALL COUNTS

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: August 28, 2012

Respectfully Submitted,

By: 
Ahron Braun
4 Mountain Road Unit 205
Monroe, NY 10950
ip84510950@gmail.com

CERTIFICATION & AFFIRMATION OF SERVICE

I Ahron Braun hereby certify and declare under penalty of perjury that a true and correct copy of the above and foregoing Amended Complaint was mailed on August 28, 2012, thru the U.S. Mail to the parties listed below.

UNITED RECOVERY SYSTEMS, LP.
5800 N. Course Dr.
Houston, TX 77072
Certified Receipt # 7011 2970 0003 5227 7371

Dated: August 28, 2012

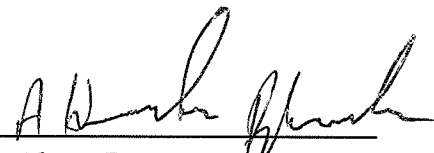
By: 
Ahron Braun

EXHIBIT A

Close window

Online Personal Credit Report from Experian for

Experian credit report prepared for

AHRON BRAUN

Your report number is

Report date:

Index:

- [Contact us](#)
- [Potentially negative items](#)
- [Accounts in good standing](#)
- [Requests for your credit history](#)
- [Personal information](#)
- [Your personal statement\(s\)](#)
- [Important message from Experian](#)
- [Know your rights](#)



Experian collects and organizes information about you and your credit history from public records, your creditors and other reliable sources. By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as "Medical Information Provider." Consumer statements included on your report at your request that contain medical information are disclosed to others.

To return to your report in the near future, log on to www.experian.com/consumer and select "View your report again" or "Dispute" and then enter your report number.

If you disagree with information in this report, return to the Report Summary page and follow the instructions for disputing.

Contact us[back to top](#)

Need to view your report again or dispute information? Access your report online at www.experian.com/viewreport.

You may also contact us by mail at:

NCAC

P.O. Box 9701

Allen, TX 75013

Or, by phone at:

1 800 493 1058

Monday through Friday, 9 am to 5 pm in your time zone.

Potentially Negative Items or items for further review[back to top](#)

This information is generally removed seven years from the initial missed payment that led to the delinquency. Missed payments and most public record items may remain on the credit report for up to seven years, except Chapters 7, 11 and 12 bankruptcies and unpaid tax liens, which may remain for up to 10 years. A paid tax lien may remain for up to seven years. Transferred accounts that have not been past due remain up to 10 years after the date the account was transferred.

Payment history legend

OK Current/Terms of agreement met VS Voluntarily surrendered

0433975478

UNITED RECOVERY SYSTEMS

5800 N COURSE DR
HOUSTON TX 77072
No phone number available

03/14/2011

This inquiry is scheduled to continue on record until Apr 2013.

CREDIT ONE BANK

PO BOX 98873
LAS VEGAS NV 89193
(877) 825-3242

03/09/2011

0433975478

PROTOCOL RECOVERY SERVIC

509 MERCER AVE
PANAMA CITY FL 32401
No phone number available

09/20/2010

0433975478

CLIENT SERVICES INC

3451 HARRY S TRUMAN BLVD
SAINT CHARLES MO 63301
(636) 947-2321

05/04/2010

0433975478

COHEN & SLAMOWITZ LLP

Names:

AHRON BRAUN

Name identification number: 16267

ARON BRAUN

Name identification number: 17433

AHRON Y BRAUN

Name identification number: 22711

AARON BRAUN

Name identification number: 2904

ARON Y BRAUN

Name identification number: 12928

Social Security number variations:

Year of birth:

Spouse or co-applicant:

Employers:

METROPLITAN PACKAGING
CONG HANOE VHANETZACH
CUT MANUFACTURING CO
CVT JEWELRY

Telephone numbers:

Address: 4 MOUNTAIN RD UNIT205
MONROE, NY 10950-5914

Address identification number: 0433975478

Type of Residence: Multifamily

Geographical Code: 0-1500110-71-5660

Address: 5 STROPKOV CT APT203
MONROE, NY 10950-6007

Address identification number: 0293778439

Type of Residence: Multifamily

Geographical Code: 0-1500220-71-5660

Address: 4 MT ROAD APT 205
MONROE, NY 10950-

Address identification number: 0442750094

Type of Residence: Apartment complex

Geographical Code: 0-00- 0-

Address: 2 PRESHBURG BLVD
MONROE, NY 10950-2979

Address identification number: 0347555768

Type of Residence: Multifamily

Geographical Code: 0-1500120-71-5660

Address: 75 STROPKOV CT
MONROE, NY 10950-6003

Address identification number: 0020839003

Type of Residence: Single family

Geographical Code: 0-1500220-71-5660

Address: 4 MOUNTAIN RD
MONROE, NY 10950-5912

Address identification number: 0706924188

Type of Residence: Multifamily

Geographical Code: 0-1500110-71-5660

Your Statement(s)[back to top](#)

At your request, we include the following statement(s) every time your credit report is requested.

ID SECURITY ALERT: FRAUDULENT APPLICATIONS MAY BE SUBMITTED IN MY NAME
OR MY IDENTITY MAY HAVE BEEN USED WITHOUT MY CONSENT TO FRAUDULENTLY

The *Fair Credit Reporting Act* allows only authorized inquiries to appear on the consumer credit report.

Ahron Braun
4 Mountain Road Unit 205
Monroe, NY 10950

May 1, 2012

UNITED RECOVERY SYSTEMS, LP.
5800 N. Course Dr.
Houston, TX 77072

Re: Unauthorized Credit Inquiries.

Dear UNITED RECOVERY SYSTEMS, LP.,

Kindly note that while checking my personal credit report which I acquired from Experian, I noticed inquiries made by your organization. The details of the inquiries are as follows:

Inquiry made on: 5/14/2011.

Since I have not approved your organization or any person associated with it to the best of my knowledge, you were not legally entitled to make these inquiries. Hence, I request you to contact the concerned credit bureau and the credit reporting agencies and remove the unauthorized hard inquiries as it violates the Fair Credit Reporting Act, Section **1681b(c)**: Transactions Not Initiated by Consumer. I also request you to remove my personal information from your records after removing the unauthorized inquiries from my credit profiles as I never had any contracts, accounts, with your company. Please send me a written confirmation that you have kept my requests. You are also financially harming me with this unauthorized inquiries, which is a strict violation of Title 48 FAR 50.201 and FCRA 604(A)(3).

If you believe that you possess sufficient documentation that supports your authorization to make the inquiry, please be kind enough to forward me a copy of the same at my current address so that I may verify its validity.

If I do not have confirmation that you have deleted the inquiry or documentation that supports an authorized inquiry, then I will have no choice but to take all legal steps necessary to protect myself and you will be subject to a minimum fine of \$1,000.00 for each violation.

May 1, 2012

Respectfully submitted,

By:

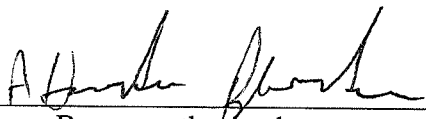

Ahron Braun, authorized representative

EXHIBIT C

From:
Ahron Braun
4 Mountain Rd. # 205
Monroe, NY 10950

May 9, 2012

To:
Experian NCAC
P.O. Box 9701
Allen, TX 75013

RE: Ahron Braun / xxx-00-xxxx/ xx/xx/xxxx

To Whom It May Concern:

According to the Fair Credit Reporting Act YOU ARE REQUIRED TO HAVE VERIFIABLE PROOF of any account you list on my credit report, otherwise anyone with the ability to report to you could fax or email in a fraudulent account. I demand to see what proof you have of the below listed accounts which are unverifiable. Your failure to verify has hurt my ability to obtain credit. I demand that they be removed immediately!

I am officially disputing the following entries on my report for the aforementioned reason:

LVNV FUNDING, LLC
Account Number: 000000752471****

MIDLAND FUNDING
Account Number: 853756**

PORTFOLIO RECOVERY ASSOCIATES
Account Number: 469227856663****

I did not authorize the following inquiries on my credit report. I believe that they were obtained fraudulently with No permissible purpose. Please remove them.

COHEN & SLAMOWITZ LLP
UNITED RECOVERY SYSTEMS
CREDIT ONE BANK
PROTOCOL RECOVERY SERVIC
CLIENT SERVICES INC
COHEN & SLAMOWITZ LLP
RESURGENT CAPITAL SERVIC
CREDIT ONE BANK
GRANITE BAY ACCEPTANCE I
ENCORE RECEIVABLE MANAGE
NORTHLAND GROUP, INC
CBJ CREDIT RECOVERY

REDLINE RECOVERY SERVICE
VERIFACTS INC
AMEX/CBNA
J C CHRISTENSEN & ASSOC
CBNA
CLIENT SERVICES INC
COHEN & SLAMOWITZ LLP

I am hereby requesting that the following actions be taken to verify the entries that were allowed by your agency:

- *I would like to see verified proof of the consumer contract with my signature on it between me and the disputed company or a power of attorney or assignment contract between the disputed company and the principal creditor.*
- *I would like to see the agency notice to the above users and/or furnishers of information provided by your establishment informing them of their responsibility to provide accurate and valid information*

According to **§ 609. Disclosures to consumers [15 U.S.C. 1681g]** you have an obligation to provide the requested verification of any and all accounts you posted on your report.

Failure to perform the above obligation will result in action pursuant to

§ 616. Civil liability for willful noncompliance

§ 617. Civil liability for negligent noncompliance

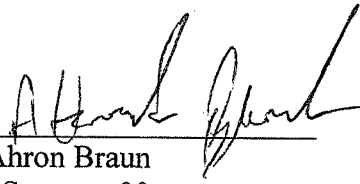
These request(s) are being made as a result to an injury of damage to my reputation for credit worthiness and this is prohibited by the **FCRA § 609**.

I would appreciate all actions to rectify this situation to be made within (30) days, which is stated in **§611. Procedure in case of disputed accuracy [15 U.S.C. 1681i] (a)(1)(A)(5)**.

Please provide me with a description of the reinvestigation procedure for all items. Please provide me with the source of information for all items. Please send me all information in my consumer file. Please send me an updated copy of my credit report. Thank you for your cooperation in advance.

Thank you so much for your cooperation and assistance in this matter.

Sincerely,

By: 
Ahron Braun
SS: xxx-00-xxxx
DOB: x/00/9999

P.S. Please find enclosed a copy of my Drivers License to verify identity.

EXHIBIT D

From:

Ahron Braun

4 Mountain Road Unit 205

Monroe, NY 10950

To:

UNITED RECOVERY SYSTEMS, LP

5800 N. Course Drive

Houston, TX 77072

05/22/2012

NOTICE OF PENDING LAWSUIT

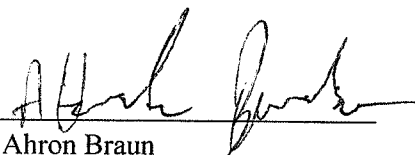
To whom it may concern:

This is being sent prior to filing lawsuit as an opportunity to amicably cure **UNITED RECOVERY SYSTEMS, LP** violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. § 1681,.

I am willing to settle these matters amicably without having to file suit and am giving you Ten days from receipt of this letter to take the opportunity to do so. If **UNITED RECOVERY SYSTEMS, LP** chooses not to settle the matters at hand then I will have no choice but to file suit and seek my remedy in a court of law.

I can be reached directly at via email at 084510950@gmail.com.

Respectfully Submitted,

By: 
Ahron Braun

P.S. Please see an attach copy of the complaint as it will be filed on 6/10/2012

Ahron Braun
4 Mountain Road Unit 205
Monroe, NY 10950

5/11/12

NYC
Prose

RECEIVED
SPRAY PRO SE OFFICE
2012 AUG 30 P 12:26

U.S. POSTAGE
PAID
MONROE, NY
10950
AUG 28, 12
FIMOUNT
\$1.30
00060654-14



10601

1000

PM
SDNY
10950
United States Federal Courthouse
Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150